

### **REMARKS**

This application has been reviewed in light of the Office Action dated September, 2005. Claims 1-33 are pending in the application. Claim 32 is amended in a manner that Applicants believe overcome the rejection in the Office Action. Applicants believe that the originally submitted claims are patentable over the materials relied upon by the Examiner. However, 32 is amended for clarification purposes only. Support for the amendment can be found throughout the specification and figures of the present disclosure and recite aspects of the disclosure that Applicants are believed to be entitled. Applicants submit that no new matter or issues are introduced by the amendments.

Initially, Applicants gratefully acknowledge the allowability of the subject matter recited in claims 1-31, and 33. Applicants, however, respectfully submit that in view of the amendment and remarks herein, all claims presently pending in the application are allowable.

#### **Claim Rejections – 35 U.S.C. § 102**

In the Office Action, claim 32 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No 5,322,517 to Sircom et al. (Sircom '517).

However, it is respectfully submitted that amended claim 32, which depends on allowed claim 27, clearly and patentably distinguish over the Sircom '517 patent. Amended claim 32 was presented to the Examiner by Applicants' attorney during a telephone call on November 4, 2005, at which time the Examiner indicated her belief that the amended claim would be allowable.

Referring to FIGS. 1 through 4, Sircom '517 shows a guard 5 that encloses the point of a needle when it reaches the end of the needle 1 (col. 15, lines 29-33).

In contrast, amended claim 32 of the present application recites, *inter alia*, "[a] medical needle shield apparatus comprising a needle hub having an outer needle cannula extending therefrom to a distal end, an inner needle being disposed for slidable movement with the outer needle cannula, a handle being attached to the inner needle; and a shield being releasably mountable to the needle hub and extensible from a retracted position to an extended position to

enclose a distal end of the inner needle, the handle being disposed adjacent the shield, the shield including a binding member disposed within the shield and defining binding surfaces that form an aperture configured for slidable receipt of the inner needle between the retracted position and the extended position, the binding member including at least one drag inducing member such that the at least one drag inducing member engages the inner needle during slidable receipt of the inner needle to create a drag force with the inner needle, the drag force and shield facilitating rotation of the binding member relative to a longitudinal axis of the inner needle such that the binding surfaces engage the inner needle to prevent slidable movement of the inner needle in the extended position of the shield, the binding member further including a needle communicating surface extending therefrom such that the needle communicating surface is engageable with the inner needle to prevent rotation of the binding member, a retainer for releasable engagement with a hub slot of the needle hub, and a binding member reset surface aligned for engagement with a hub reset surface; and the shield further comprising an adjustable depth stop device for setting desired needle insertion depth, said depth stop device slidably disposed on the needle cannula and said at least one shield being substantially disposed within said depth stop device.”

The Sircom '517 patent in no way discloses or suggests structure as recited in claim 32. The Sircom '517 patent does not disclose, *inter alia*, a medical needle shield apparatus comprising a needle hub having an outer needle cannula extending therefrom to a distal end, an inner needle being disposed for slidable movement with the outer needle cannula, a handle being attached to the inner needle; and a shield being releasably mountable to the needle hub and extensible from a retracted position to an extended position to enclose a distal end of the inner needle, the handle being disposed adjacent the shield, the shield including a binding member disposed within the shield and defining binding surfaces that form an aperture configured for slidable receipt of the inner needle between the retracted position and the extended position, the binding member including at least one drag inducing member such that the at least one drag inducing member engages the inner needle during slidable receipt of the inner needle to create a drag force with the inner needle, the drag force and shield facilitating rotation of the binding member relative to a longitudinal axis of the inner needle such that the binding surfaces engage the inner needle to prevent slidable movement of the inner needle in the extended position of the shield, the binding member further including a needle communicating surface extending

therefrom such that the needle communicating surface is engageable with the inner needle to prevent rotation of the binding member, a retainer for releasable engagement with a hub slot of the needle hub, and a binding member reset surface aligned for engagement with a hub reset surface; and the shield further comprising an adjustable depth stop device for setting desired needle insertion depth, said depth stop device slidably disposed on the needle cannula and said at least one shield being substantially disposed within said depth stop device.

Because of the above distinctions, it is respectfully submitted that claim 32 is patentable and not obvious over the Sircom '517 patent. Reconsideration and withdrawal of the rejection is respectfully requested.

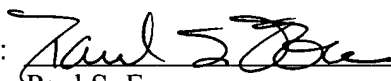
In view of the foregoing amendments and remarks, it is respectfully submitted that the drawings, specification, and claims 1-33, presently pending in the application are believed to be in condition for allowance. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fees that may become due at any time during the pendency of this application, or credit any over payment of such fees to deposit account no. 19-3542. Also, in the event that any extensions of time for responding are required for the pending application, please treat this paper as a petition to extend the time as required and charge deposit account no. 19-3542 therefor.

Respectfully submitted,

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